

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

DEC 2 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

GEORGE FORBUSH,

Plaintiff-Appellee,

v.

CITY OF SPARKS; et al.,

Defendants-Appellants.

No. 22-15079

D.C. No.

3:21-cv-00163-MMD-WGC

District of Nevada, Reno

ORDER

Before: Lisa B. Fitzgerald, Appellate Commissioner.

Appellee's motion to dismiss this appeal is based on an argument that appellee also raises in the answering brief. The motion to dismiss (Docket Entry No. 29) is denied without prejudice to the merits panel considering the argument in the answering brief.

The opening brief has been filed. The Clerk will file the answering brief submitted November 4, 2022. The reply brief is due within 21 days after this order. The motion to dismiss automatically stayed the remainder of the briefing schedule, *see* 9th Cir. R. 27-11(a)(1), so the motion for an extension of time to file the reply brief (Docket Entry No. 32) is denied as unnecessary.